

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS

ORDER

Application 5776 Permit 3081 License 2192

**ORDER AMENDING LICENSE BY ADDING AN ANNUAL AMOUNT, MEASURING
AND MONITORING REQUIREMENTS, AND REVISED LICENSE TERMS**

WHEREAS:

1. License 2192 was issued to Crystal Crag Water and Development Association on March 27, 1941, pursuant to Application 5776 and was recorded with the County Recorder of Mono County on April 2, 1941.
2. Crystal Crag Water and Development Association also holds License 2745 (Application 9781) and License 3918 (Application 10883) which authorize diversions from Cold Water Creek.
3. The Division of Water Rights (Division) conducted an inspection of the project covered by License 2192 on September 21, 1999. This inspection found that the maximum daily diversion rate had been exceeded on 34 days in 1998.
4. The State Water Resources Control Board (SWRCB) has determined that, in order to ensure compliance with License 2192, a term limiting the total quantity of water diverted under this license and the two licenses (License 2745 [Application 9781] and License 3918 [Application 10883]), and a term requiring measuring and monitoring of diversions are necessary.
5. The SWRCB should add a term allowing the licensee to divert an amount equivalent to the authorized continuous flow allowance for any 7-day period in a shorter time, provided there is no interference with other rights or instream beneficial uses.
6. The SWRCB should add its standard continuing authority and water quality objective terms and a term to prevent any act that results in the taking of a threatened or endangered species that has been or may be listed under the federal Endangered Species Act and/or the California Endangered Species Act.

NOW, THEREFORE, IT IS ORDERED THAT:

License 2192 is amended to include the following changes, corrections and new or revised terms and conditions:

1. The point of diversion authorized by this license is corrected as follows:

By California Coordinates, Zone 3, North 400,100 and East 2,437,067, being within the SW $\frac{1}{4}$ of NW $\frac{1}{4}$ of projected Section 22, T4S, R27E, MDB&M.

2. The following limitation on the total annual amount of water diverted under this license and the two other licenses held by the Crystal Crag Water and Development Association is added as follows:

The total quantity of water diverted under this license, License 2745 (Application 9781) and License 3918 (Application 10883) shall not exceed 11 acre-feet per year.

3. The following measuring device and monitoring requirement of the amounts diverted under this license are added as follows:

No water shall be diverted under this license until the licensee installs and maintains an in-line flow meter, acceptable to the Division, that is capable of measuring the cumulative amount diverted under this license. Licensee shall maintain a record of the end-of-the-month meter readings and of the days of actual diversion, and shall submit these monthly records with the triennial report of licensee, or whenever requested by the Division.

4. The following term is added as follows:

An amount equivalent to the continuous flow allowance for any 7-day period may be diverted in a shorter time provided there is no interference with other rights and instream beneficial uses and provided further that all terms or conditions protecting instream beneficial uses are observed.

5. The continuing authority condition, is updated as follows:

Pursuant to California Water Code sections 100 and 275 and the common law public trust doctrine, all rights and privileges under this license, including method of diversion, method of use, and quantity of water diverted, are subject to the continuing authority of the SWRCB in accordance with law and in the interest of the public welfare to protect

public trust uses and to prevent waste, unreasonable use, unreasonable method of use, or unreasonable method of diversion of said water.

The continuing authority of the SWRCB may be exercised by imposing specific requirements over and above those contained in this license with a view to eliminating waste of water and to meeting the reasonable water requirements of licensee without unreasonable draft on the source. Licensee may be required to implement a water conservation plan, features of which may include but not necessarily be limited to: (1) reusing or reclaiming the water allocated; (2) using water reclaimed by another entity instead of all or part of the water allocated; (3) restricting diversions so as to eliminate agricultural tailwater or to reduce return flow; (4) suppressing evaporation losses from water surfaces; (5) controlling phreatophytic growth; and (6) installing, maintaining, and operating efficient water measuring devices to assure compliance with the quantity limitations of this license and to determine accurately water use as against reasonable water requirement for the authorized project. No action will be taken pursuant to this paragraph unless the SWRCB determines, after notice to affected parties and opportunity for hearing, that such specific requirements are physically and financially feasible and are appropriate to the particular situation.

The continuing authority of the SWRCB also may be exercised by imposing further limitations on the diversion and use of water by the licensee in order to protect public trust uses. No action will be taken pursuant to this paragraph unless the SWRCB determines, after notice to affected parties and opportunity for hearing, that such action is consistent with California Constitution article X, section 2; is consistent with the public interest; and is necessary to preserve or restore the uses protected by the public trust.

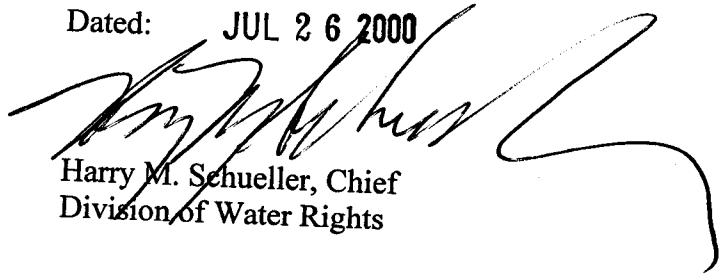
6. The water quality objectives condition, is updated as follows:

The quantity of water diverted under this license is subject to modification by the SWRCB if, after notice to the licensee and an opportunity for hearing, the SWRCB finds that such modification is necessary to meet water quality objectives in water quality control plans which have been or hereafter may be established or modified pursuant to division 7 of the California Water Code. No action will be taken pursuant to this paragraph unless the SWRCB finds that: (1) adequate waste discharge requirements have been prescribed and are in effect with respect to all waste discharges that have any substantial effect upon water quality in the area involved, and (2) the water quality objectives cannot be achieved solely through the control of waste discharges.

7. An endangered species term is added to read as follows:

This license does not authorize any act that results in the taking of a threatened or endangered species or any act that is now prohibited, or becomes prohibited in the future, under either the California Endangered Species Act (California Fish and Game Code sections 2050 to 2097) or the federal Endangered Species Act (16 U.S.C.A. sections 1531 to 1544). If a "take" will result from any act authorized under this water right, the licensee shall obtain authorization for an incidental take prior to construction or operation of the project. Licensee shall be responsible for meeting all requirements of the applicable Endangered Species Act for the project authorized under this license.

Dated: JUL 26 2000



Harry M. Schueller, Chief
Division of Water Rights

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS

ORDER

APPLICATION 5776

PERMIT 3081

LICENSE 2192

ORDER CORRECTING POINT OF DIVERSION

WHEREAS:

1. License 2192 was issued to Crystal Crag Water and Development Association and was filed with the County Recorder of Mono County on April 2, 1941.
2. An inspection was made on August 27, 1982 and it was determined that the description of the point of diversion should be corrected. This correction is needed to agree with the quad map.
3. The USGS 15' Quadrangle maps Devils Post Pile and Mount Morrison 1953 editions shows the point of diversion as being within SW $\frac{1}{4}$ of NW $\frac{1}{4}$ of projected Section 22, T4S, R27E, MDB&M. License 2192 describes the same point of diversion as being within SE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 16, T4S, R27E, MDB&M. A correction in the description of the point of diversion under said license is needed to conform the description with the location on the quadrangle maps.
5. The State Water Resources Control Board has determined that said correction in the description of the point of diversion will not initiate a new right nor operate to the injury of any other lawful user of the water and that good and sufficient cause has been shown for said correction.

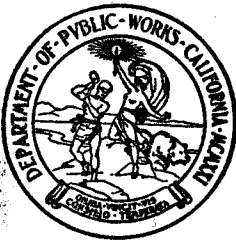
NOW, THEREFORE, IT IS ORDERED THAT:

The point of diversion under License 2192 shall be as follows:

South 51° East 7,500 feet from W $\frac{1}{4}$ corner of Section 16, T4S, R27E, MDB&M, being within SW $\frac{1}{4}$ of NW $\frac{1}{4}$ of projected Section 22, T4S, R27E, MDB&M.

Dated: APRIL 9 1985

Raymond Walsh
Raymond Walsh, Chief
Division of Water Rights



STATE OF CALIFORNIA—DEPARTMENT OF PUBLIC WORKS
DIVISION OF WATER RESOURCES
STATE ENGINEER
ORDER

APPLICATION 5776

PERMIT 3081

LICENSE 2192

ORDER ALLOWING CHANGE IN PLACE OF USE

Licensee having established to the satisfaction of the State Engineer that the change in place of use under Application 5776, Permit 3081, License 2192, for which petition was submitted on March 20, 1945, will not operate to the injury of any other legal user of water, the State Engineer so finds, and

IT IS ORDERED that permission be and the same is hereby granted to change the place of use under said Application 5776, Permit 3081, License 2192, to a place of use described as follows to-wit:

LOTS 1 to 37, INCLUSIVE, OF LAKE MARY TRACT, INYO NATIONAL FOREST, LAKE MARY RESORT, SITE C, AND CRYSTAL CRAG LODGE WITHIN NE $\frac{1}{4}$ OF SE $\frac{1}{4}$, NW $\frac{1}{4}$ OF SE $\frac{1}{4}$ AND NE $\frac{1}{4}$ OF SW $\frac{1}{4}$ OF SECTION 16, T 4 S, R 27 E, M.D.B. & M.

WITNESS my hand and the seal of the Department of Public Works of the State of California this 10th day of April, 1945.

EDWARD HYATT, STATE ENGINEER

BY

Harold Conkling
Deputy State Engineer

WEC:GG





STATE OF CALIFORNIA
DEPARTMENT OF PUBLIC WORKS
DIVISION OF WATER RESOURCES

License for Diversion and Use of Water

LICENSE 2192

PERMIT 3081

APPLICATION 5776

THIS IS TO CERTIFY, That **Crystal Crag Water Development Association**
Mammoth Lakes P. O., California

Notice of Assignment (Over)

of Water Resources of California of a right to the use of the waters of **Coldwater Creek** in
Mono County

tributary of **Lake Mary and Mammoth Creek**

for the purpose of **domestic use**
under Permit **3081** of the Division of Water Resources and that said right to the use of said waters has
been perfected in accordance with the laws of California, the rules and regulations of the Division of Water Resources
and the terms of the said permit; that the priority of the right herein confirmed dates from
December 19, 1927

that the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited
to the amount actually beneficially used for said purposes and shall not exceed **ten thousand three hundred**
(10,300) gallons per day from about May 1 to about October 15 of each season.

The point of diversion of such water is located **South fifty one degrees East**
(S. 51° E.) sixty six hundred (6600) feet from the West 1/4 Corner of Section 16,
T. 4 S., R. 27 E., M.D.B. & M., being within the SE 1/4 of NE 1/4 of Section 21,
T. 4 S., R. 27 E., M.D.B. & M.

A description of the lands or the place where such water is put to beneficial use is as follows:

Within the NE 1/4 of SW 1/4 and NW 1/4 of SE 1/4 of Section 16, T. 4 S., R. 27 E.,
M.D.B. & M. at Crystal Crag Resort and Lots 9, 10, 11, 13, 15, 16, 17 and 18
of Lake Mary Tract of summer home lots of Inyo National Forest.

All rights and privileges under this license including method of diversion, method of use and quantity of water
diverted are subject to the continuing authority of the Division of Water Resources in accordance with law and in the
interest of the public welfare to prevent waste, unreasonable use, unreasonable method of use or unreasonable method of
diversion of said water.

Reports shall be filed promptly by licensee on appropriate forms which will be provided for the purpose from
time to time by the Division of Water Resources.

The right to the diversion and use of the water aforesaid hereby confirmed is restricted to the point of
diversion herein specified and to the lands or place of use herein described.

This license is granted and said appropriator takes all rights herein mentioned subject to the terms and conditions set forth in Section 20 of Chapter 586, Statutes of 1913, as amended, which is as follows:

SEC. 20. All permits and licenses for the appropriation of water shall be under the terms and conditions of this act, and shall be effective for such time as the water actually appropriated under such permits and licenses shall actually be used for the useful and beneficial purpose for which said water was appropriated, but no longer; and every such permit or license shall include the enumeration of conditions therein which in substance shall include all of the conditions of this section and likewise the statement that any appropriator of water, to whom said permit or license may be issued, shall take the same subject to such conditions as herein expressed; *provided*, that at any time after the expiration of twenty years after the granting of a license, the state or any city, county and county, municipal water district, irrigation district, lighting district, or any political subdivision of the state shall have the right to purchase the works and property occupied and used under said license and the works built or constructed for the enjoyment of the rights granted under said license; and in the event that the said state, city, county and county, municipal water district, irrigation district, lighting district or political subdivision of the state so desires to purchase and the said owner of said works and property can not agree upon said purchase price, said price shall be determined in such manner as is now or may hereafter be determined in eminent domain proceedings. If it shall appear to the state water commission at any time after a permit or license is issued as in this act provided that the permittee, or licensee, or the heirs, successors, or assigns, of said permittee or licensee, has not put the water granted under said permit or license to the useful or beneficial purpose for which the permit or license was granted, or that the permittee or licensee, or the heirs, successors, or assigns of said permittee or licensee, has failed to observe any of the terms and conditions in the permit or license as issued, then and in that case the said commission, after due notice to the permittee, licensee, or the heirs, successors or assigns of such permittee or licensee, and a hearing thereon, may revoke said permit or license and declare the water to be unappropriated and open to further appropriation in accordance with the terms of this act. The findings and declaration of said commission shall be deemed to be prima facie correct until modified or set aside by a court of competent jurisdiction; *provided*, that any action brought to modify or set aside such finding or declaration must be commenced within thirty days after the service of notice of said revocation on said permittee or licensee, his heirs, successors or assigns. And every licensee or permittee under the provisions of this act if he accepts such permit or license shall accept the same under the conditions precedent that no value whatsoever in excess of the actual amount paid to the state therefor shall at any time be assigned to or claimed for any permit or license granted or issued under the provisions of this act, or for any rights granted or acquired under the provisions of this act, in respect to the regulation by any competent public authority of the services or the price of the services to be rendered by any permittee or licensee, his heirs, successors or assigns or by the holder of any rights granted or acquired under the provisions of this act, or in respect to any valuation for purposes of sale to or purchase, whether through condemnation proceedings or otherwise, by the state or any city, county and county, municipal water district, irrigation district, lighting district or any political subdivision of the state, of the rights and property of any permittee or licensee, or the possessor of any rights granted, issued, or acquired under the provisions of this act. The application for a permit by municipalities for the use of water for said municipalities or the inhabitants thereof for domestic purposes shall be considered first in right, irrespective of whether they are first in time; *provided, however*, that such application for a permit or the granting thereafter of permission to any municipality to appropriate waters, shall not authorize the appropriation of any water for other than municipal purposes; and *provided, further*, that where permission to appropriate is granted by the state water commission to any municipality for any quantity of water in excess of the existing municipal needs therefor, that pending the application of the entire appropriation permitted, the state water commission shall have the power to issue permits for the temporary appropriation of the excess of such permitted appropriation over and above the quantity being applied from time to time by such municipality; and *provided, further*, that in lieu of the granting of such temporary permits for appropriation, the state water commission may authorize such municipality to become as to such surplus a public utility, subject to the jurisdiction and control of the railroad commission of the State of California for such period or periods from and after the date of the issuance of such permission to appropriate, as may be allowed for the application to municipal use of the entire appropriation permitted; and *provided, further*, that when such municipality shall desire to use the additional water granted in its said application it may do so upon making just compensation for the facilities for taking, conveying and storing such additional water rendered valueless for said purposes, to the person, firm or corporation, which constructed said facilities for the temporary use of said excess waters, and which compensation, if not agreed upon between the municipality and said person, firm or corporation, may be determined in the manner provided by law for determining the value of property taken by and through eminent domain proceedings.



Witness my hand and the seal of the Department of Public

Works of the State of California, this

day of

March

19

EDWARD HYATT

State Engineer

By

Harold Corkling

Deputy

RECEIVED NOTICE OF APPOINTMENT TO

LICENSE 2192

STATE OF CALIFORNIA
DEPARTMENT OF PUBLIC WORKS

DIVISION OF WATER RESOURCES

LICENSE
TO APPROPRIATE WATER

ISSUED TO Crystal Crag Water Development Assn.

DATED March 27, 1941

53760 8-40 1500 STATE PRINTING OFFICE

2